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9 REALNETWORKS, INC. AND LISTEN.COM

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 FRISKIT, INC.,

16 Plaintiff,

17 vs.

18 REALNETWORKS, INC., et al.,

19 Defendants.
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CASE NO. 03 05085 (WWS)

**~~[PROPOSED]~~ ORDER REGARDING: (1)
THE IDENTIFICATION OF NEW
WITNESSES BY DEFENDANTS; AND (2)
DEFENDANTS' SUBPOENA TO
MICROSOFT**

1 By letter brief dated April 17, 2007 Plaintiff Friskit raised issues concerning Defendants'
2 April 12, 2007 service of Supplemental Initial Disclosures and Defendants' service on April 13,
3 2007 of a subpoena for the production of documents and a deposition of Microsoft Corporation on
4 April 24 and April 27, respectively. On April 23, 2007, the Court notified the parties it would
5 hold a hearing on Plaintiff's letter brief on April 24 at 10:00 a.m. Defendants responded to
6 Plaintiff's letter brief the evening of April 23, 2007. On April 24, 2007, the Court conducted the
7 telephonic conference concerning the issues raised in the letters. At the April 24, 2007 telephonic
8 conference, Friskit requested an extension of time in which to file its statements of expert
9 testimony due April 27, 2007.

10 IT IS HEREBY ORDERED THAT:

- 11 1. Plaintiffs' request to bar Defendants from calling Anu Kirk and Bob Kimball at trial
12 is granted.
- 13 2. Plaintiff's request for a protective order as to Defendants' April 2007 subpoena on
14 Microsoft Corporation is granted. Defendants counsel shall notify Microsoft Corporation of the
15 issuance of the Protective Order.
- 16 3. Friskit's request for a two week extension to file its statements of expert testimony
17 due April 27, 2007 is denied without prejudice.

18 IT IS SO ORDERED.

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20 Dated: June 1, 2007


WILLIAM W. SCHWAB
Senior United States District Judge